## **BOARD OF ADJUSTMENT**

Zoning Administration Division
Development Services Department (DSD)
201 North Stone Avenue, Tucson, Arizona 85701

\*\*\* NOTICE OF DECISIONS \*\*\*

DATE OF PUBLIC HEARING January 27, 2010

THE DECISIONS OF THE BOARD OF ADJUSTMENT MAY BE APPEALED TO THE SUPERIOR COURT OF PIMA COUNTY BY FILING A COMPLAINT FOR SPECIAL ACTION WITHIN THIRTY (30) DAYS AFTER THE BOARD HAS RENDERED ITS DECISION. ARIZONA REVISED STATUTES SECTION 9-462.06 (J)&(K).

CASE NO.

THE APPLICANT

## C10-09-16 GRG CONSTRUCTION/T&G GREER, 9338 EAST OLD VAIL ROAD, I-2

The appellant (M. Dupont) is appealing the Zoning Administrator's (ZA) determination, dated October 5, 2009, regarding the land use classification for a new concrete batch plant proposed at the GRG Construction facility at 9338 East Old Vail Road, zoned I-2 Industrial. The ZA determined that, for the purposes of zoning, the concrete batch facility is a Primary Manufacturing use and is therefore subject to the *Land Use Code (LUC)* provision requiring manufacturing uses to be conducted wholly within completely enclosed buildings. Tucson *LUC* Sections applicable to this appeal include, in part, but are not limited to the following: Section 1.2.1, which provides for the Zoning Administrator to interpret the provisions of the *LUC* and Section 5.1.7.3 which provides for the Board of Adjustment to hear and decide on appeals made to the Zoning Administrator's decision. The appellant is requesting reversal of the Zoning Administrator's determination, dated October 5, 2009.

## <u>DECISION</u>: REVERSE THE ZONING ADMINISTRATOR'S DETERMINATION OF OCTOBER 5, 2009.

By LUC regulation, a building permit or development approval based upon a Board of Adjustment decision cannot be issued, until a minimum of fourteen (14) days after the Board's decision date.

## **IMPORTANT NOTICE**

FOR VARIANCES OR DESIGN DEVELOPMENT OPTIONS (DDO) GRANTED BY THE ACTIONS OF THIS BOARD: IF A BUILDING PERMIT IS REQUIRED FOR THE PROJECT ASSOCIATED WITH THE VARIANCE OR DDO, IT MUST BE SECURED FROM THE PLANNING & DEVELOPMENT SERVICES DEPARTMENT (P&DSD) WITHIN 180 DAYS OF THE HEARING DATE.

VARIANCE AND DDO APPROVALS EXPIRE WITHIN 180 CALENDAR DAYS FROM THE DATE OF THIS MEETING. TWO ADDITIONAL (180 DAY) EXTENSIONS MAY BE GRANTED PROVIDED THERE IS GOOD CAUSE AND THE REQUEST IS MADE IN WRITING.

<u>UNLESS OTHERWISE NOTED</u>, BOARD OF ADJUSTMENT DECISIONS BECOME EFFECTUATED UPON OBTAINING BUILDING PERMITS (IF REQUIRED) AND FULL COMPLIANCE WITH ALL CONDITIONS OF THE BOARD' DECISION.

THE 180 DAY TIME FRAME TO OBTAIN A BUILDING PERMIT DOES NOT APPLY WHEN THERE IS AN OUTSTANDING ZONING VIOLATION THAT PRECIPITATED THE VARIANCE OR DDO REQUEST FOR THE PROPERTY. THE APPLICANT OR PROPERTY OWNER MUST CONTACT THE DEPARTMENT OF NEIGHBORHOOD RESOURCES FOR THE DATE THE ZONING VIOLATION MUST BE ABATED.

If you want further information, please call Russlyn Wells at 837-4948 or Wayne Bogdan at 837-4946.

Sue Montes, Secretary Board of Adjustment

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